

The Honorable J. Kelley Arnold

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

KENNETH BAGLEY,

Plaintiff,

vs.

THE STATE OF WASHINGTON,
DEPARTMENT OF SOCIAL AND
HEALTH SERVICES (DSHS), and its
employees C. JAN GREGG and
PETER SIMONSON in their individual
capacities,

Defendants.

NO. C05-05477 JKA

STIPUTLATED PROTECTIVE
ORDER

This matter having come on regularly before the court on the parties' stipulation, and plaintiff appearing by and through his attorney, Richard Wooster, and defendants appearing by and through their attorneys, Rob McKenna, Attorney General, Paul F. James, Assistant Attorney General; and the Court having considered the records and files herein and in all things being fully advised, now, therefore,

IT IS HEREBY ORDERED THAT:

1. Certain information and records sought by parties in discovery are or may be confidential and/or privileged under various state laws. However, disclosure of these confidential

1 and/or privileged records and information is necessary between the parties for the purposes of this
2 lawsuit.

3 The information which is confidential and/or privileged and subject to this order includes
4 at least the following types of information:

5 a. Personal information of plaintiff, including date of birth, Social Security
6 number and Federal Income Tax records.

7 2. Any party may designate a document as “confidential” if the party has a
8 reasonable basis to believe the document is confidential (i.e., exempt from public disclosure under
9 state law). If any party disagrees with the designation that party may move to remove the
10 designation. Unless and until the Court rules otherwise, any document designated confidential by
11 any party shall be treated as confidential as provided in this order.

12 3. In the case of documents and information contained herein, designation of the
13 document as “confidential” shall be made by clearly identifying with particularity the portion of
14 document(s) designated as confidential and marking **“CONFIDENTIAL DOCUMENT –**
15 **PURSUANT TO PROTECTIVE ORDER”**.

16 4. The contents of any confidential portion of any document produced and copied
17 pursuant to this order shall not be disclosed in any manner of form to any person and/or entities
18 other than to the parties’ attorneys, the attorneys’ staff, and the parties’ experts.

19 5. All records produced or disclosed shall be used solely for the purpose of this
20 litigation. The parties, through their attorneys, may utilize the confidential and/or privileged
21 information under seal in accordance with the Clerk’s procedures.

22 6. The parties shall be allowed to use the aforementioned documents in depositions
23 of parties and witnesses, including expert witnesses in this case. Any deposition transcripts or
24 exhibits containing protected information which are filed in Court shall be marked, on the face of
25
26

1 the document(s), **“CONFIDENTIAL DOCUMENT – PURSUANT TO PROTECTIVE**
2 **ORDER”** and filed under seal in accordance with the Clerk’s procedures.

3 7. At the conclusion of this litigation, all confidential documents produced in this
4 litigation will be destroyed by all parties (but may be retained by counsel).

5 8. This order does not alter the obligation of the parties to comply with the General
6 Order of the Court regarding public access to electronic case files and the requirements to redact
7 specific information from the documents filed with the Court, and available to the public.
8 Specific redactions includes: dates of birth (redact to year of birth), names of minor children
9 (redact to initials), social security numbers (redact to the last 5 digits) and financial accounting
10 information (redact to the last 4 digits).

11 DATED this 24th day of March, 2006.

12
13
14 /s/ J. Kelley Arnold
15 JUDGE J. KELLEY ARNOLD

16 Presented by:
17 ROB MCKENNA
18 Attorney General

19 _____
20 PAUL F. JAMES, WSBA #13525
21 Assistant Attorney General

22 *Approved as to form, notice of presentation waived:*

23 _____
24 RICHARD WOOSTER, WSBA #13752
25 Attorney for Plaintiff
26 Kenneth Bagley

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26